

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-17-0052
RULES 47, 48, and 58, RULES OF)
THE SUPREME COURT)
) **FILED 8/28/2018**
)
)
)
_____)

ORDER

AMENDING RULES 47, 48, AND 58, RULES OF THE ARIZONA SUPREME COURT

A petition having been filed proposing to amend Rules 47, 48, and 58, Rules of the Arizona Supreme Court, and no comments having been received, upon consideration,

IT IS ORDERED that Rules 47, 48, and 58, Rules of the Arizona Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2019.

DATED this 28th day of August, 2018.

_____/s/_____
SCOTT BALES
Chief Justice

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TO:
Rule 28 Distribution
Hon. William J O'Neil

ATTACHMENT*

Rule 47. General Procedural Matters

(a) [No change]

(b) [No change]

(c) **Service.** Service of the complaint, pleadings and subpoenas shall be effectuated as provided in the ~~rules of civil procedure~~ Rules of Civil Procedure, except as otherwise provided herein. Personal service of complaints and subpoenas may be made by staff examiners employed by the state bar.

1. [No change]

2. *Service of Subpoena.* Subpoenas shall be personally served on the parties and the person under subpoena. In the case of a respondent under subpoena, if personal service proves impracticable, service may be accomplished in such manner as the presiding disciplinary judge, upon motion and without notice, may direct, including by certified mail/delivery restricted to addressee in addition to regular first class mail, sent to the last address provided by respondent to the state bar's membership records department pursuant to Rule 32(c)(3). Whenever the presiding disciplinary judge allows an alternate form of service pursuant to this paragraph, reasonable efforts shall be undertaken by the party making service to assure that the respondent receives actual notice. If the subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party at least 2 days before it is served on the person to whom it is directed.

(d) through (g) [No change]

Rule 48. Rules of Construction

(a) [No change]

(b) **Rules of Civil Procedure.** Only the following Arizona Rules of Civil Procedure are applicable to discipline and disability proceedings before the presiding disciplinary judge or the hearing panel, as specifically set forth in these rules: Rules 4, 4.1, 4.2, 5, 5.1(e), 5.2(b), 5.3, 6(a), 6(c), 7.1(a), 7.1(b), 7.1(h), 8(c)-(f), 10(b)-(c), 11(a)-(d~~c~~), 12(b), 12(c), 12(d), 12(e), 12(f), 16(a),

* Additions in the text of the rule are shown by underscoring and deletions from text are shown by ~~strikethrough~~.

16(f)(2)(A-~~EF~~), (H-I) and, (K), 16(g-h), 16(j), 26(a), (b)(1-4), ~~(e)~~ (d), and (f)-(hi), 29-36, 38.1(b), 42(a), 43-45~~4~~, 56, 60(b)-(d), 80(a), 80(c), and 80(d).

(c) through (m) [No change]

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Rule 58. Formal Proceedings

(a) through (e) [No change]

(f) Discovery.

1. *Time limits.* Unless extended by agreement of the parties or otherwise ordered at the case management conference, all initial discovery requests must be made within ~~forty (40)~~ thirty (30) days of the date an initial answer is filed, except that additional discovery requests may be filed within thirty (30) days of the date an answer is filed to an amended complaint. Discovery requests based upon an amended complaint shall be limited to new allegations. Discovery shall be governed by Rules 26(a) through (h); and Rules 29 through 36, ~~and Rule 45~~, Ariz. R. Civ. P., to the extent not inconsistent with these rules.

2. and 3. [No change]

(g) through (k) [No change]